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BY ECF

Hon. Valerie E. Caproni
United States District Court for the Southern District of New York
40 Foley Square, Room 443
New York, New York 10007

Nike, Inc. v. StockX LLC, No. 22 CV 983 (VC) (SN)

Dear Judge Caproni:

Pursuant to Your Honor's Individual Rule 5(B)(ii), Defendant StockX LLC ("StockX") and Plaintiff Nike, Inc. ("Nike," and together with StockX, the "Parties") respectfully submit this joint letter requesting the sealed treatment of the Parties' replies to their respective *Daubert* motions to preclude proffered expert testimony (the "Replies"), *see* ECF Nos. 189 and 192.

In support of the Replies, the Parties each cite to material that has been designated confidential pursuant to the Stipulated Protective Order in this case (Dkt. No. 52), including expert reports and the transcripts of depositions.

As required by the Stipulated Protective Order, and in accordance with Your Honor's practices, the Parties will file redacted public versions of the Replies and supporting materials where appropriate. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006) ("[C]ourts in this District routinely seal documents to prevent the disclosure of a party's confidential or competitively sensitive business information."); *Regeneron Pharms., Inc. v. Novartis Pharma AG*, 2021 WL 243943, at *1 (S.D.N.Y. Jan. 25, 2021) (collecting cases).

In order to permit the Parties an opportunity to review the opposing Party's Reply and associated exhibits, and confer with their clients regarding any necessary sealed treatment, the Parties jointly request that the Court approve the following schedule for exchanging and filing proposed redactions: (1) the Parties shall exchange proposed redactions for their confidential information by Wednesday, November 22, 2023; and (2) the Parties shall each file, under seal, their proposed redactions with the Court by Wednesday, November 29, 2023, along with a publicly-filed letter justifying sealed treatment. This proposed procedure aligns with the procedure for treatment of the Parties' *Daubert* opposition briefing, ordered by the Court on November 3, 2023. *See* ECF No. 213. Further, the Parties believe that this process will ensure any proposed redactions are judiciously applied and will permit the Parties the opportunity to adequately justify their proposals under *Lugosch v. Pyramid Co. of Onondaga*.

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Respectfully submitted,

/s/ Tamar Y. Duvdevani

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